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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,275	12/22/2005	Gerardus Rudolph Langereis	NL030733	6570
24737	7590	05/01/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHOW, LIXI	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/562,275	LANGEREIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lixi Chow	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 1/23/08.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Minemura et al. (US 2002/00854463; hereafter Minemura).

Regarding claim 1:

Minemura discloses a method of determining an optimum set of write parameters for a laser device for writing to an optical storage medium, the method comprising:

defining a test region of the optical storage medium (see Fig. 15; steps 1 and 2);

using a laser device having an operating set of write parameters, writing a predetermined data pattern to the test region (see Fig. 15, step 4);

measuring jitter values for the predetermined data pattern (see Fig. 15, step 5); and

selecting an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon the measured jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium (see Fig. 15, step 6), characterized in that the step of writing a predetermined data pattern to the test region comprises the steps of:

writing a reference data pattern using a reference set of write parameters of the laser device to the test region (see Fig. 15; the first trial writing on first sector correspond to the writing of a reference data pattern); and

writing a measurement data pattern which varies from said reference data pattern using a measurement set of write parameters of the laser device to the test region (the subsequent trial writings on every other sector correspond to the writing of a measurement data pattern; also, the power level is changed by 3% after writing the first trial write in the first sector).

Regarding claim 2:

Minemura discloses a method as claimed in claim 1, wherein each set of write parameters includes a power level of the laser device (see Fig. 15; with each writing operation, the write parameters includes a power level of the laser device).

Regarding claim 3:

Minemura discloses a method as claimed in claim 2, wherein the power level of the laser device varies over the writing of the measurement data pattern (see Fig. 15, step 4; the power level of the laser device varies by rate of 3%).

Regarding claim 4:

Minemura discloses a method as claimed in claim 3, wherein the power level of the laser device rises from a minimum level to a maximum level over the writing of the measurement data pattern (see par. [0018]; there suggests that the power level is gradually increasing from low level to high level).

Regarding claim 5:

Minemura discloses a method as claimed in claim 4, wherein the power level of the laser device rises in discrete steps over the writing of the measurement data pattern (see Fig. 15, step 4).

Regarding claim 6:

Minemura discloses a method as claimed in 2, wherein the power level of the laser device over the writing of the reference data pattern is fixed (see Fig. 15, the power level of the first trial writing on first sector is set to a standard power setting which is fixed).

Regarding claim 7:

Minemura discloses a method as claimed in claim 1 or 2, wherein the measured jitter values relate to an average of jitter values of the measurement and reference data patterns (see Fig. 15, step 5).

Regarding claim 8:

Minemura discloses a method as claimed in claim 1 or 2, wherein the optical medium is a disc (see Fig. 14), and wherein the reference and measurement data patterns form an alternating pattern on a single track of the disc (see Fig. 15).

Regarding claim 9:

Minemura discloses a method as claimed in claim 1 or 2, wherein the optical medium is a disc, and wherein the reference and measurement data patterns are written on consecutive tracks of the disc (see Fig. 15; the sectors where the trial writes are performed on can be either single track or consecutive tracks).

Regarding claim 10:

Minemura discloses a method as claimed in claim 1, wherein the optical medium is a disc, and wherein the reference and measurement data patterns are written on neighboring tracks of the disc (see Fig. 15; the sectors where the trial writes are performed on is within the neighboring tracks).

Regarding claim 11:

Minemura discloses an apparatus for determining an optimum power level for a laser device for writing to an optical storage medium (1) having a test region defined thereon, the apparatus comprising:

an optical writing device (see, Fig. 14, element 131) operable to write a predetermined data pattern (see Fig. 15, step 4) to a test region of an optical medium (see Fig. 14, element 8) using an operating set of write parameters;

a measurement device (see Fig. 14, element 191) operable to measure jitter values for a predetermined data pattern on an optical medium; and

a power controller (see Fig. 14, element 171) operable to select an optimum operating set of write parameters of the laser device for writing data to the optical storage medium in dependence upon measured jitter values, the optimum set of write parameters minimizing the jitter value for the optical storage medium (see par. [0061]), characterized in that the optical writing is operable to:

write a reference data pattern using a reference set of write parameters to the test region (see Fig. 15; the first trial writing on first sector correspond to the writing of a reference data pattern); and

write a measurement data pattern which varies from said reference data pattern using a measurement set of write parameters to the test region (the subsequent trail writings on every other sector correspond to the writing of a measurement data pattern; also, the power level is changed by 3% after the first trial write in the first sector).

Regarding claims 12-20:

Claims 12-20 recite similar limitations as claims 2-10; hence, claims 12-20 are rejected under the same reason set forth in claims 2-10.

***Response to Arguments***

3. Applicant's arguments filed 1/23/08 have been fully considered but they are not persuasive.

Applicant argues that Minemura does not disclose that the measurement data pattern is varied from the reference data pattern. However, Examiner respectfully disagrees. Fig. 15, step 4 of Minemura depicts that the power level of the subsequent write which corresponds to the writing of the measurement data pattern is changed/varied by 3% from the previous write. Therefore, claims 1-20 are not patentable distinct from Minemura.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/  
Primary Examiner, Art Unit 2627

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